

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN O'NEAL,

Defendant.

4:18CR3022

ORDER

Defendant's retained counsel moved to withdraw, stating "there has been an irremediable and irreconcilable breakdown of the attorney-client relationship such that continued representation is impossible." (Filing No. 31). A hearing on that motion was held, with Defendant, his retained counsel Michael Leonard, and the new attorney he has hired attending. The government's counsel was present at the outset of the hearing, but he was excused shortly after it began.

Based on the statements of Defendant and his current and proposed counsel, the court finds the motion for new counsel should be granted.

Accordingly,

IT IS ORDERED:

- 1) The motion of George G. Braunstein and Michael Leonard to withdraw as counsel of record for Defendant, (Filing No. 31), is granted.
- 2) Defendant's newly retained counsel is Adam B. Brown.
- 3) The clerk shall delete George G. Braunstein and Michael Leonard from any future ECF notifications herein.

- 4) A telephonic conference with the undersigned magistrate judge will be held on January 9, 2019 at 11:00 a.m. CST to discuss the status Defendants case preparation. Counsel (and Defendant if he chooses to participate) shall use the conferencing instructions assigned to this case, (see Filing No. 13), to participate in the call.
- 5) Based on the representations of counsel, trial preparation for this case will require reviewing a large number of documents, conferring with numerous witnesses, and understanding a complex set of transactions. The court finds it is unreasonable to expect Defendant and his new counsel to be adequately prepared for trial within the time limits of the Speedy Trial Act, and this case should be excluded from those time limits so it can be fairly and justly resolved. Accordingly, the Court finds that the time between November 8, 2018 date and January 9, 2019 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because this case is “unusual and complex,” and is exempted from the time restrictions of the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(B)(ii).

Dated this 9th day of November, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge